



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,621	11/02/2001	Artur Mitterer	20695D-000110US	6242

20350 7590 11/18/2004

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

ROBINSON, HOPE A

ART UNIT	PAPER NUMBER
----------	--------------

1653

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental
Notice of Allowability

Application No.

10/003,621

Examiner

Hope A. Robinson

Applicant(s)

MITTERER ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/12/04.
2. ☒ The allowed claim(s) is/are 17, 23 and 29-32.
3. ☒ The drawings filed on 3/15/04 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Art Unit: 1653

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization of this Examiner's amendment was given in a telephone interview with Mr. Scott Ausenhus on November 12, 2004.
3. The Claims have been amended as follows:

Claims 1-16 (Canceled).

Claim 17. (Currently Amended) A ~~pharmaceutical preparation comprising a factor~~ Factor VIII/von Willebrand Factor complex (factor-Factor VIII/vWF-complex) containing high-molecular weight vWF multimers having a specific vWF activity of at least 66 U/mg protein and a specific ~~factor-Factor~~ Factor VIII activity of at least 500 U/mg protein.

Claims 18-22(Canceled).

Claim 23 (Currently Amended) The ~~pharmaceutical preparation~~ Factor VIII/vWF-complex of claim 17, ~~wherein said factor VIII/vWF-complex~~ that has a specific vWF activity of between 66-83 U/mg protein.

Claims 24-28. (Canceled).

Art Unit: 1653

Claim 29 (New) A preparation comprising the Factor VIII/vWF-complex of claim 17, wherein said preparation is virus-safe and free from infectious material.

Claim 30 (New) The preparation of claim 29, wherein said preparation is present in storage-stable form.

Claim 31 (New) The preparation of claim 29, wherein said preparation is formulated as a pharmaceutical preparation.

Claim 32 (New) The preparation of claim 29, wherein the Factor VIII/vWF complex has a specific vWF activity of between 66-83 U/mg protein.

REASONS FOR ALLOWANCE

4. The following is an Examiner's statement of reasons for allowance:

The applicant has claimed a Factor VIII/von Willebrand Factor complex (Factor VIII/vWF-complex) containing high-molecular weight vWF multimers having a specific vWF activity of at least 66 U/mg protein and a specific VIII activity of at least 500 U/mg protein. The amendment filed on November 1, 2004 and the amendments above were sufficient to bring the application in condition for allowance. In addition, a search of commercial databases did not produce any prior art that suggests or teaches the above claimed invention. For example, Fischer et al. (EP705,846), the prior art of record teaches the separation and processing of a Factor VIII/vWF-complex, however, does not teach the specific activity recited in the claims. Thus, the claimed invention is novel and nonobvious over the prior art.

Art Unit: 1653


5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957. The examiner can normally be reached on Monday-Friday from 9:00 a.m. to 6:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber, can be reached at (571) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JON WEBER
SUPERVISORY PATENT EXAMINER

Hope Robinson, MS 

Patent Examiner

11/12/04